THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.18652 OF 2006

DATED: 28.9.2006.

BETWEEN:

Kaloji Varaprasad … Petitioner.

And

The Commissioner of Labour,
Hyderabad
and others. … Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.18652 OF 2006

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not disposing of the industrial dispute raised by the petitioner and others under Section 2K of the Industrial Disputes Act as illegal, arbitrary and consequently direct the second respondent to dispose of the said industrial dispute at an early date.

The case of the petitioner is that he has been working as unskilled worker/contract labour in V-stage, Kothagudem Thermal Power Station from 1997. It is stated that the Government had issued a G.O.Ms.No.41 dated 23.9.21996 for absorption of contract labour. It is further stated that the petitioner has raised a dispute on 2-2-2006 before the second respondent, under Section 2K of the Industrial Disputes Act 1947 seeking absorption as per the said G.O. It is further stated that the second respondent, vide order dated 6.4.2006, had requested the petitioner to implead himself in the cases filed by some other contract labour seeking similar relief in stead of raising the industrial dispute. The grievance of the petitioner is that the second respondent in stead of arranging conciliation between the Management and workmen by issuing notice to the Management, as contemplated under the Industrial Disputes Act, had requested the petitioner to implead himself in the cases filed by some other contract labour for similar relief in read of raising the industrial dispute. Aggrieved by the said action of the Second respondent, the present writ petition is filed.

Heard the counsel for the petitioner and the learned

Government Pleader for Labour.

The order of the second respondent – Deputy Commissioner of Labour, Warangal, dated 6.4.2006 reads as follows:

> " With reference to the above I am t inform you that some contract labour working in KTPS, Paloncha have approached the Hon'ble High Court of A.P., Hydrabad and got the directions to the Management of KTPS, Paloncha with a specific scheme for regularization, i.e., Oral interview 5 marks, Experience 15 marks, Educational qualifications, from read and write to S.S.C. 5 marks and any additional qualifications above S.S.C. 2 marks, and process of selection should be completed within 3 months from the date of receipt of this order. Therefore, you are requested to implead in those cases to get the similar relief in stead of raising fresh industrial dispute for regularization of contract labour."

The learned Government Pleader for Labour appearing for the respondents has submitted that by mistake, the second respondent passed such orders and has fairly admitted that there is no meaning to the order.

Under these circumstances, the order of the second respondent – Deputy Commissioner of Labour, dated 6.4.2006 is hereby set aside directing the second respondent to pass appropriate orders on the application filed by the petitioner on 2.2.2006, which is pending before him as expeditiously as possible, preferably within two weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No orders as to costs.

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28.9.2006.

ksr/mdaa